

REMARKS

The present application has been carefully studied and amended in view of the outstanding Office Action dated April 8, 2003, and reconsideration of that Action is requested in view of the following comments.

A new Abstract of the Disclosure is provided which addresses the informalities noted in the Office Action. The new Abstract is believed to be in proper form. Claim 10 has been amended to address the informalities noted in the Office Action. As amended claim 10 is now in method form and this claim includes the step of flowing water through a pipe according to claim 2. As amended claim 10 is now believed to be in proper form. Similar amendments were made with respect to claim 9.

Applicant respectfully disagrees with the rejection of claims 1-9 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of Berthold et al US 5,908,679 ("Berthold"), for the following reasons.

Fundamentally, the claimed invention herein is an improvement over of the pipe described by Berthold, and the molding material and pipe of the present invention have significantly improved mechanical strength. This improvement over Berthold was developed in response to marketing demands.

In the developments leading to the present invention, one approach surprisingly and unexpectedly provided a step in the right direction. The inventors of the present invention increased the density to a value of more than 0.948 g/cm^3 (see working example on page 9), and simultaneously therewith decreased the MFI_5 to a value of lower than 0.2 dg/min (see working example on page 9). Such variation is the result of all process parameters in combination such as ethylene feed, comonomer feed and hydrogen pressure as specified

in Table 1 on page 9.

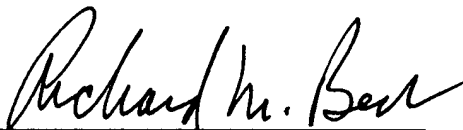
This improvement was not foreseeable. The specification comprises as a comparison example the working example of EP-A 739 937 which is the European counterpart application to Berthold, and the present invention demonstrates that an improvement from PE 100 to PE 125 was possible, as exemplified in the last line in Table 2.

Additionally, the present invention pertains to a polyethylene molding material for a high strength pipe in terms of claim 1, which was not described nor available in the prior art, even Berthold.

Accordingly, for the reasons expressed above it is believed that the present application is in condition for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,

CONNOLLY, BOVE, LODGE & HUTZ, LLP

By 

Richard M. Beck

Reg. No. 22,580

Tel. (302) 658-9141

RMB/alh/272490